

Application No. 10/762,616

Amdt. dated 12 June 2009

Reply to Office Action of 4 February 2009 and the Advisory Action of 1 June 2009

REMARKS / ARGUMENTS

Further to the Remarks contained in the Amendment filed 4 May 2009, claims 2,3,5,6 18,20, and 22 have been rejected based on limitation "consisting essentially of." Applicant has amended the claim to go back to the original language of "comprising" and, as such, this rejection is considered obviated.

In addition, claims 1, 13, 15 17, 19 and 21 have been rejected as unpatentable over Cipla while claims 2, 3, 5, 18, 20 and 22 have been rejected as unpatentable over Cipla in view of Gillis et al. Finally, Claim 6 has been rejected as unpatentable over Cipla in view of U.S. Patent 5,660,860 while Claim 16 was rejected as unpatentable over Cipla in view of U.S. Patent 5,660,860.

As stated in Applicant's previous Amendment, Cipla is not prior art to the subject invention. This shown by exhibits A and B submitted herewith. Exhibit A shows the page which the Examiner has cited as prior art while Exhibit B shows a search result for this page in the internet archive showing that the page did not exist until 2004, more specifically November 27 2004. Since the web page cited by the Examiner did not prior to the filing date of January 22, 2004, it cannot be prior art to the subject invention. Accordingly, with the Cipla reference removed as prior art, none of the rejections can stand and, accordingly, Applicant believes all to be allowable.

Applicant also has amended the claims so that they now recited that the composition comprises a single tablet of a uniform mixture. With the removal of Cipla and this amendment, Applicant has added reason to believe the claims to be allowable.

Applicant hereby requests reconsideration and reexamination thereof.

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No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

With the above amendments and remarks, this application is considered ready for allowance and applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he/she is respectfully requested to call the undersigned at the below listed number.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald T. Shekleton". The signature is fluid and cursive, with the first name "Gerald" being more prominent.

Dated: 12 June 2009

Gerald T Shekleton

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